

### AMENDMENTS TO THE CLAIMS

1-21. (Canceled).

22. (Currently amended) An isolated nucleic acid having at least 80% nucleic acid sequence identity to:

~~(a) a nucleic acid sequence encoding the polypeptide of SEQ ID NO:2;~~

~~(b) a nucleic acid sequence encoding the polypeptide of SEQ ID NO:2,~~

~~lacking its associated signal peptide;~~

~~(a)(e)~~ the nucleic acid sequence of SEQ ID NO:1;

~~(b)(d)~~ the full-length coding sequence of the nucleic acid sequence of SEQ ID NO:1; ~~or~~

~~(c)(e)~~ the full-length coding sequence of the cDNA deposited under ATCC accession number 203538; or

(d) the full-length coding sequence of the nucleic acid sequence of SEQ ID NO:1, lacking the coding region for the signal peptide of the polypeptide of SEQ ID NO:2;

wherein said isolated nucleic acid hybridizes to the complement of a nucleic acid of SEQ ID NO: 1 under conditions of 50% formamide, 5 x SSC (0.75 M NaCl, 0.075 M sodium citrate), 50 mM sodium phosphate (pH 6.8), 0.1% sodium pyrophosphate, 5 x Denhardt's solution, sonicated salmon sperm DNA (50 µg/ml), 0.1% SDS, and 10% dextran sulfate at 42°C, with washes at 42°C in 0.2 x SSC (sodium chloride/sodium citrate) and 50% formamide at 55°C, followed by a high-stringency wash consisting of 0.1 x SSC containing EDTA at 55°C.

~~wherein said isolated nucleic acid is overexpressed in lung or colon tumor, or wherein said isolated nucleic acid encodes a polypeptide that is overexpressed in lung or colon tumors.~~

23. (Currently amended) The isolated nucleic acid of Claim 22 having at least 85% nucleic acid sequence identity to:

~~(a) a nucleic acid sequence encoding the polypeptide of SEQ ID NO:2;~~

~~(b) a nucleic acid sequence encoding the polypeptide of SEQ ID NO:2,~~

~~lacking its associated signal peptide;~~

Appl. No. : 10/033,223  
Filed : December 27, 2001

(a)(e) the nucleic acid sequence of SEQ ID NO:1;

(b)(d) the full-length coding sequence of the nucleic acid sequence of SEQ ID NO:1; ~~or~~

(c)(e) the full-length coding sequence of the cDNA deposited under ATCC accession number 203538; or

(d) the full-length coding sequence of the nucleic acid sequence of SEQ ID NO:1, lacking the coding region for the signal peptide of the polypeptide of SEQ ID NO:2;

wherein said isolated nucleic acid hybridizes to the complement of a nucleic acid of SEQ ID NO: 1 under conditions of 50% formamide, 5 x SSC (0.75 M NaCl, 0.075 M sodium citrate), 50 mM sodium phosphate (pH 6.8), 0.1% sodium pyrophosphate, 5 x Denhardt's solution, sonicated salmon sperm DNA (50 µg/ml), 0.1% SDS, and 10% dextran sulfate at 42°C, with washes at 42°C in 0.2 x SSC (sodium chloride/sodium citrate) and 50% formamide at 55°C, followed by a high-stringency wash consisting of 0.1 x SSC containing EDTA at 55°C.

~~wherein said isolated nucleic acid is overexpressed in lung or colon tumor, or wherein said isolated nucleic acid encodes a polypeptide that is overexpressed in lung or colon tumors.~~

24. (Currently amended) The isolated nucleic acid of Claim 22 having at least 90% nucleic acid sequence identity to:

~~(a) a nucleic acid sequence encoding the polypeptide of SEQ ID NO:2;~~

~~(b) a nucleic acid sequence encoding the polypeptide of SEQ ID NO:2, lacking its associated signal peptide;~~

(a)(e) the nucleic acid sequence of SEQ ID NO:1;

(b)(d) the full-length coding sequence of the nucleic acid sequence of SEQ ID NO:1; ~~or~~

(c)(e) the full-length coding sequence of the cDNA deposited under ATCC accession number 203538; or

(d) the full-length coding sequence of the nucleic acid sequence of SEQ ID NO:1, lacking the coding region for the signal peptide of the polypeptide of SEQ ID NO:2;

Appl. No. : 10/033,223  
Filed : December 27, 2001

wherein said isolated nucleic acid hybridizes to the complement of a nucleic acid of SEQ ID NO: 1 under conditions of 50% formamide, 5 x SSC (0.75 M NaCl, 0.075 M sodium citrate), 50 mM sodium phosphate (pH 6.8), 0.1% sodium pyrophosphate, 5 x Denhardt's solution, sonicated salmon sperm DNA (50 µg/ml), 0.1% SDS, and 10% dextran sulfate at 42°C, with washes at 42°C in 0.2 x SSC (sodium chloride/sodium citrate) and 50% formamide at 55°C, followed by a high-stringency wash consisting of 0.1 x SSC containing EDTA at 55°C.

~~wherein said isolated nucleic acid is overexpressed in lung or colon tumor, or wherein said isolated nucleic acid encodes a polypeptide that is overexpressed in lung or colon tumors.~~

25. (Currently amended) The isolated nucleic acid of Claim 22 having at least 95% nucleic acid sequence identity to:

~~(a) a nucleic acid sequence encoding the polypeptide of SEQ ID NO:2;~~

~~(b) a nucleic acid sequence encoding the polypeptide of SEQ ID NO:2, lacking its associated signal peptide;~~

~~(a)(e) the nucleic acid sequence of SEQ ID NO:1;~~

~~(b)(d) the full-length coding sequence of the nucleic acid sequence of SEQ ID NO:1; or~~

~~(c)(e) the full-length coding sequence of the cDNA deposited under ATCC accession number 203538; or~~

(d) the full-length coding sequence of the nucleic acid sequence of SEQ ID NO:1, lacking the coding region for the signal peptide of the polypeptide of SEQ ID NO:2;

wherein said isolated nucleic acid hybridizes to the complement of a nucleic acid of SEQ ID NO: 1 under conditions of 50% formamide, 5 x SSC (0.75 M NaCl, 0.075 M sodium citrate), 50 mM sodium phosphate (pH 6.8), 0.1% sodium pyrophosphate, 5 x Denhardt's solution, sonicated salmon sperm DNA (50 µg/ml), 0.1% SDS, and 10% dextran sulfate at 42°C, with washes at 42°C in 0.2 x SSC (sodium chloride/sodium citrate) and 50% formamide at 55°C, followed by a high-stringency wash consisting of 0.1 x SSC containing EDTA at 55°C.

Appl. No. : 10/033,223  
Filed : December 27, 2001

~~wherein said isolated nucleic acid is overexpressed in lung or colon tumor, or  
wherein said isolated nucleic acid encodes a polypeptide that is overexpressed in lung or  
colon tumors.~~

26. (Currently amended) The isolated nucleic acid of Claim 22 having at least 99% nucleic acid sequence identity to:

~~(a) a nucleic acid sequence encoding the polypeptide of SEQ ID NO:2;~~

~~(b) a nucleic acid sequence encoding the polypeptide of SEQ ID NO:2,  
lacking its associated signal peptide;~~

~~(a)(e) the nucleic acid sequence of SEQ ID NO:1;~~

~~(b)(d) the full-length coding sequence of the nucleic acid sequence of SEQ ID  
NO:1; or~~

~~(c)(e) the full-length coding sequence of the cDNA deposited under ATCC  
accession number 203538; or~~

~~(d) the full-length coding sequence of the nucleic acid sequence of SEQ ID  
NO:1, lacking the coding region for the signal peptide of the polypeptide of SEQ ID  
NO:2;~~

wherein said isolated nucleic acid hybridizes to the complement of a nucleic acid  
of SEQ ID NO: 1 under conditions of 50% formamide, 5 x SSC (0.75 M NaCl, 0.075 M  
sodium citrate), 50 mM sodium phosphate (pH 6.8), 0.1% sodium pyrophosphate, 5 x  
Denhardt's solution, sonicated salmon sperm DNA (50 µg/ml), 0.1% SDS, and 10%  
dextran sulfate at 42°C, with washes at 42°C in 0.2 x SSC (sodium chloride/sodium  
citrate) and 50% formamide at 55°C, followed by a high-stringency wash consisting of  
0.1 x SSC containing EDTA at 55°C.

~~wherein said isolated nucleic acid is overexpressed in lung or colon tumor, or  
wherein said isolated nucleic acid encodes a polypeptide that is overexpressed in lung or  
colon tumors.~~

27. (Currently amended) An isolated nucleic acid comprising:

~~(a) a nucleic acid sequence encoding the polypeptide of SEQ ID NO:2;~~

~~(b) a nucleic acid sequence encoding the polypeptide of SEQ ID NO:2,  
lacking its associated signal peptide;~~

~~(a)(e) the nucleic acid sequence of SEQ ID NO:1;~~

~~(b)(d)~~ the full-length coding sequence of the nucleic acid sequence of SEQ ID NO:1;~~or~~

~~(c)(e)~~ the full-length coding sequence of the cDNA deposited under ATCC accession number 203538;or

(d) the full-length coding sequence of the nucleic acid sequence of SEQ ID NO:1, lacking the coding region for the signal peptide of the polypeptide of SEQ ID NO:2.

28. (Canceled).

29. (Canceled).

30. (Canceled).

31. (Canceled).

32. (Previously presented) The isolated nucleic acid of Claim 27 comprising the nucleic acid sequence of SEQ ID NO:1.

33. (Previously presented) The isolated nucleic acid of Claim 27 comprising the full-length coding sequence of the nucleic acid sequence of SEQ ID NO:1.

34. (Previously presented) The isolated nucleic acid of Claim 27 comprising the full-length coding sequence of the cDNA deposited under ATCC accession number 203538.

35. (Currently amended) An isolated nucleic acid that hybridizes to:

~~(a) a nucleic acid sequence encoding the polypeptide of SEQ ID NO:2;~~

~~(b) a nucleic acid sequence encoding the polypeptide of SEQ ID NO:2, lacking its associated signal peptide;~~

~~(a)(e)~~ the nucleic acid sequence of SEQ ID NO:1;

~~(b)(d)~~ the full-length coding sequence of the nucleic acid sequence of SEQ ID NO:1;~~or~~

~~(c)(e)~~ the full-length coding sequence of the cDNA deposited under ATCC accession number 203538;or

(d) the full-length coding sequence of the nucleic acid sequence of SEQ ID NO:1, lacking the coding region for the signal peptide of the polypeptide of SEQ ID NO:2;

wherein said hybridization occurs under conditions of 50% formamide, 5 x SSC (0.75 M NaCl, 0.075 M sodium citrate), 50 mM sodium phosphate (pH 6.8), 0.1%

sodium pyrophosphate, 5 x Denhardt's solution, sonicated salmon sperm DNA (50  $\mu$ g/ml), 0.1% SDS, and 10% dextran sulfate at 42°C, with washes at 42°C in 0.2 x SSC (sodium chloride/sodium citrate) and 50% formamide at 55°C, followed by a high-stringency wash consisting of 0.1 x SSC containing EDTA at 55°C;

and wherein said isolated nucleic acid is at least 200 nucleotides in length.

~~and wherein said isolated nucleic acid is overexpressed in lung or colon tumor, or wherein said isolated nucleic acid encodes a polypeptide that is overexpressed in lung or colon tumors.~~

36. (Canceled).

37. (Currently amended) The isolated nucleic acid of Claim 35 which is at least 400 nucleotides in length.

38. (Previously presented) A vector comprising the nucleic acid of Claim 22.

39. (Previously presented) The vector of Claim 38, wherein said nucleic acid is operably linked to control sequences recognized by a host cell transformed with the vector.

40. (Previously presented) A host cell comprising the vector of Claim 38.

41. (Previously presented) The host cell of Claim 40, wherein said cell is a CHO cell, an *E. coli* or a yeast cell.

42. (New) The isolated nucleic acid of Claim 27 comprising the full-length coding sequence of the nucleic acid sequence of SEQ ID NO:1, lacking the coding region for the signal peptide of the polypeptide of SEQ ID NO:2.